

### AMENDMENTS TO THE CLAIMS

Please cancel Claim 4 and amend Claims 1, 6, 13, 21, and 25 as indicated below.

1. (Currently Amended) A method of communicating a message via a computer network, the method comprising:

selecting a target server such that a target transceiver and the target server are located within a same local-toll area of a public switched telephone network connected to the target server and the target transceiver; and

transmitting a message from a sending server to the target transceiver via the target server wherein the target server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up modems are configured to communicate the message to the target transceiver via the public switched telephone network,

determining with a processor availability of the outgoing dial-up modems at the target server by determining whether the outgoing dial-up modems are active;

~~if none of the outgoing dial-up modems are available, applying a variable wait time~~ when the outgoing dial-up modems are active, wherein a duration of the variable wait time is applied based at least in part on historical data and based at least in part on the utilization of the outgoing dial-up modems;

~~after the variable wait time, determining with a processor the availability of the outgoing dial-up modems at the target server by determining whether at least one of the outgoing dial-up modems remain activeis available after the applied wait time; and~~

sending the message via an available outgoing dial-up modem and the public switched telephone network if one of the outgoing dial-up modems is available and applying another variable wait time if the outgoing dial-up modems remain active.

2. (Previously Presented) The method of Claim 1, further comprising storing the message at the target server.

3. (Previously Presented) The method of Claim 1, further comprising reserving an available outgoing dial-up modem for transmitting the message to the recipient.

4. (Canceled)

5. (Previously Presented) The method of Claim 1, wherein determining availability of the outgoing dial-up modems is performed periodically at predetermined times, or at start-up of the target server, or after one of the outgoing dial-up modems is removed or another of the outgoing dial-up modems is added.

6. (Currently Amended) The method of Claim 4<sup>1</sup>, further comprising saving the an active or inactive state of the outgoing dial-up modem in a memory.

7. (Previously Presented) The method of Claim 1, further comprising queuing the message for sending at a later time if there is no outgoing dial-up modem available for immediate sending.

8. (Previously Presented) The method of Claim 1, wherein the variable wait time is based upon at least one characteristic of the load upon the outgoing dial-up modems.

9. (Previously Presented) The method of Claim 1, further comprising sending a transmittal report to a transceiver having originated the message.

10. (Cancelled)

11. (Previously Presented) The method of Claim 1, further comprising receiving the message, wherein receiving the message includes handling the message according to the T.37 standard.

12. (Cancelled)

13. (Currently Amended) A system for communicating a ~~fax~~ message via a computer network, the system comprising:

means for selecting a target server such that a target transceiver and the target server are located within a same local-toll area of a public switched telephone network connected to the target server and the target transceiver;

means for transmitting a message from a sending server to the target transceiver via the target server, wherein the target server comprises a plurality of outgoing dial-up modems and wherein the outgoing dial-up modems are configured to communicate the message to the target transceiver via the public switched telephone network;

means for determining ~~availability of whether~~ the outgoing dial-up modems at the target server are active;

~~if none of the outgoing dial-up modems are available,~~ means for applying a variable wait time when the outgoing dial-up modems are active, wherein a determined duration of the variable wait time is variably applied based at least in part on historical data and based at least in part on the utilization of the outgoing dial-up modems;

means for determining whether at least one of the outgoing dial-up modems is available after the variable wait time; and

means for sending the message via an available outgoing dial-up modem and the public switched telephone network.

14. (Previously Presented) The system of Claim 13, further comprising means for storing the message at the target server.

15. (Previously Presented) The system of Claim 13, further comprising means for reserving an available outgoing dial-up modem for transmitting the message to the recipient.

16. (Previously Presented) The system of Claim 13, further comprising means for queuing the message for sending at a later time if there is no outgoing dial-up modem available for immediate sending.

17.-20 (Cancelled).

21. (Currently Amended) A method of communicating a ~~fax~~ message via a computer network, the method comprising:

transmitting a message from a first transceiver to a first server via a public switched telephone network;

selecting a second server such that a second transceiver and the second server are located within a same local-toll area of the public switched telephone network and wherein the public switched telephone network is connected to the second server and to the second transceiver;

forwarding the message by the first server, via a computer network, to the second server wherein the second server comprises a plurality of outgoing dial-up modems, and wherein the outgoing dial-up modems are configured to communicate the message to recipients via the public switched telephone network;

receiving and storing the message at the second server;

determining ~~availability of each of~~ whether the outgoing dial-up modems are active;

~~if none of the outgoing dial-up modems are available, determining and applying a variable duration wait time~~ when the outgoing dial-up modems are active, wherein the duration of the variable wait time is applied based at least in part on historical data and based at least in part on a number of the dial-up modems ~~and based at least in part on a number of subscribers associated with the second server~~;

determining availability of each of the outgoing dial-up modems after the variable wait time; and

if one of the outgoing dial-up modems is available after the variable wait time, sending the message via an available one of the outgoing dial-up modems and the public switched telephone network to the second transceiver.

22. (Previously Presented) The method of Claim 21, wherein receiving and storing includes processing the message according to a store-and-forward protocol.

23. (Previously Presented) The method of Claim 21, further comprising reserving the available outgoing dial-up modem for sending the message.

24. (Previously Presented) The method of Claim 21, further comprising queuing the transmission of the message, wherein queuing transmission of the message includes the variable wait time and wherein the variable wait time is further based upon at least one characteristic of the load upon the outgoing dial-up modems.

25. (Currently Amended) A computer readable medium storing computer readable instructions that when executed by a computer perform a method of communicating a message via a computer network, the computer readable medium comprising:

computer readable instructions configured to select a target server such that a target transceiver and the target server are located within a same local-toll area of a public switched telephone network connected to the target server and the target transceiver;

computer readable instructions configured to forward a message to the target transceiver by a sending server via the target server, wherein the target server comprises a plurality of outgoing dial-up modems, and wherein the outgoing dial-up modems are configured to communicate the message to recipients via the public switched telephone network;

computer readable instructions configured to determine availability of the outgoing dial-up modems at the target server;

~~if none of the outgoing dial-up modems are available,~~ computer readable instructions configured to determine and apply a variable wait time when the dial-up modems are active, wherein the variable wait time is applied based at least in part on historical data and based at least in part on the utilization of the outgoing dial-up modems;

computer readable instructions configured to determine whether at least one of the outgoing dial-up modems is available after the variable wait time; and

computer readable instructions configured to communicate the message via an available outgoing dial-up modem and the public switched telephone network.

26. (Previously Presented) The computer readable medium of Claim 25, further comprising computer readable instructions configured to receive and store the message, wherein receiving and storing the message includes processing the message according to a store-and-forward protocol.

27. (Previously Presented) The computer readable medium of Claim 25, further comprising computer readable instructions configured to reserve an available outgoing dial-up modem for sending the message.

28. (Previously Presented) The computer readable medium of Claim 25, further comprising computer readable instructions configured to queue the message, wherein queuing the message comprises waiting for a predetermined period of time that is based upon at least one characteristic of the load upon the outgoing dial-up modems.

29.-31. (Cancelled)